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In re Application of
NORRIS et al.
U.S. App. No. 10/529,013
PCT No.: PCT/US03/08311
Int. Filing Date: 18 March 2003
Priority Date: 18 March 2002
Attorney Docket No.: T5276.CIP2.PCT.US
For: PARAMETRIC RING EMITTER

DECISION ON PETITION
UNDER 37 CFR 1.10

This decision is in response to applicants' "Petition under 37 CFR 1.10(e)" filed 20 December 2004 to reconstruct the application and accord a filing date of 17 September 2004 to the above-identified national stage application. No petition fee is required.

BACKGROUND

On 18 March 2003, applicants filed international application PCT/US03/08311 which claimed a priority date of 18 March 2002. Pursuant to 37 CFR 1.495, the deadline for payment of the basic national fee in the United States was to expire 30 months from the priority date, 18 September 2004.

On 17 September 2004, applicants filed a Transmittal Letter (PTO-1390) requesting entry into the national stage in the United States of America under 35 U.S.C. 371. Filed with the Transmittal Letter were, *among others*, the requisite basic national fee; a copy of the international application; and an executed declaration. These papers were placed in application no. 10/101,426 since this number was used on applicants' Transmittal Letter (PTO-1390).

On 20 December 2004, applicants filed the present petition forwarding copies of papers filed in the above-identified application on 17 September 2004. These papers consisted of: a copy of a Transmittal Letter to the United States Designated Office concerning a filing under 35 U.S.C. 371; a copy of the Customer Receipt of the "Express Mail" mailing label #EV389082514US; Declaration (of inventors) and Petition; Notification of transmittal of the International Preliminary Examination Report; Notification of Receipt of Demand; copy of a check in the amount of \$570; and a postcard receipt dated 17 September 2004. The submission was assigned 10/529,013.

DISCUSSION

A review of the application file reveals that the Transmittal Letter to the United States Designated Office concerning a filing under 35 U.S.C. 371; Declaration (of inventors) and Petition; Notification of transmittal of the International Preliminary Examination Report; and Notification of Receipt of Demand; which were all date stamped of 17 September 2004, have been removed from application no. no.10/101,426 and placed in application no. 10/529,013. Therefore, applicant's petition is dismissed as moot since the papers filed 17 September 2004 have been placed in the appropriate application folder. Accordingly, it is appropriate to accord the application a filing date of **17 September 2004**.

CONCLUSION

Applicants' petition under 37 CFR 1.10(e) requesting that the application papers filed on 20 December 2004 be accorded a filing date of 17 September 2004 is **DISMISSED** as moot.

Applicants should use application number **10/529,013** in all future communications with the Patent and Trademark Office in regards to the U.S. national stage of international application PCT/US03/08311.

This application is being returned to the United States/Elected Office for processing in accordance with this decision.



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